IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
Appeal from Order No.855 of 2006

Mrs.Homai,
widow of Jalaluddin Ahmed. .. .. Appellant
(Org. Plff.)

v/s.

Salim Alam Mir .. .. .. Respondent
(Org. Deft.)

Mrs.V.S. Dighe for Appellant.

Mr.Salim Alam Mir in person.

CORAM : ABHAY S. OKA, J.

DATED : 25th April, 2007

P.C. :

1. Heard Advocate appearing for the Appellant and the Respondent appearing in person.

2. The Respondent appearing in person states that he has no intention of creating any tenancy in respect of the attic and he is residing there since his birth.

3. I have perused the pleadings and the impugned order. In view of the findings recorded by the Trial Judge and in view of the statement made by the Respondent appearing in person, no case is made out for interference. Accordingly, the Appeal from Order is dismissed.

4. It is made clear that all contentions of parties in the pending Suit are expressly kept open.

5. In view of dismissal of the Appeal, nothing survives in Civil Application No.1186 of 2006 taken out therein and the same is dismissed as rendered infructuous.

(ABHAY S. OKA, J.)